

Senate Bill No. 19

Passed the Senate September 11, 2003

Secretary of the Senate

Passed the Assembly September 8, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Section 37252.8 of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, Escutia. Supplemental instruction.

Existing law authorizes a school district or charter school to offer programs of direct, systematic, and intensive supplemental instruction to pupils in grades 2 to 6, inclusive, who are either deficient in mathematics, reading, or written expression based on the results of statewide achievement tests or at risk of retention in the same grade. Existing law limits the amount of funding a school district or charter school may receive for this instruction.

This bill would remove the funding limitation for supplemental instruction to a pupil who is at risk of retention in the same grade and would revise the funding limitation for supplemental instruction for a pupil who is deficient in mathematics, reading, or written expression. The bill would make related conforming changes.

This bill would become operative only if AB 52 is enacted and becomes effective on or before January 1, 2004.

The people of the State of California do enact as follows:

SECTION 1. Section 37252.5 is added to the Education Code, to read:

37252.5. (a) The governing board of each district maintaining any or all of grades 2 to 9, inclusive, shall offer, and a charter school may offer, programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 9, inclusive, who are recommended for retention or who are retained pursuant to Section 48070.5. A school district or charter school may require a pupil who is retained to participate in supplemental instructional programs. Notwithstanding the requirements of this section, the school district or charter school shall provide a mechanism for a parent or guardian to decline to enroll his or her child in the program. Attendance in supplemental



instructional programs is not compulsory within the meaning of Section 48200.

(b) The governing board of each district maintaining any or all of grades 2 to 6, inclusive, and each charter school, may offer direct, systematic, and intensive supplemental instruction to pupils enrolled in any of grades 2 to 6, inclusive, who are identified as being at risk of retention pursuant to Section 48070.5.

(c) Supplemental educational services pursuant to subdivisions (a) and (b) may be offered during the summer, before school, after school, on Saturdays, or during intersession, or in a combination of summer school, before school, after school, on Saturday, or intersession instruction. Services may not be provided during the pupil's regular instructional day. Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program for religious reasons, shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday over a pupil who is not unable to attend a Saturday school program for religious reasons.

(d) For purposes of this section, a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade. Summer school instruction may also be offered to otherwise eligible pupils who were enrolled in grade 6 or 9 during the prior school year.

(e) Each school district or charter school shall use results from tests administered under the Standardized Testing and Reporting Program, established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or other evaluative criteria to identify eligible pupils pursuant to subdivision (b).

(f) An intensive remedial program in reading or written expression offered pursuant to this section shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction in reading comprehension, writing, and study skills.

(g) Each school district or charter school shall seek the active involvement of parents, guardians, and classroom teachers in the development and implementation of supplemental instructional programs provided pursuant to this section.



(h) It is the intent of the Legislature that pupils who are at risk of failing to meet state adopted standards, or who are at risk of retention, be identified as early in the school year and as early in their school careers as possible, and be provided the opportunity for supplemental instruction sufficient to assist them in attaining expected levels of academic achievement.

(i) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

SEC. 2. Section 37252.6 is added to the Education Code, to read:

37252.6. (a) The governing board of each school district maintaining any or all of grades 2 to 6, inclusive, and any charter school may offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 6, inclusive, who are identified as having a deficiency in mathematics, reading, or written expression based on the results of any test administered under the Standardized Testing and Reporting Program established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33.

(b) Supplemental educational services offered pursuant to this section may be offered during the summer, before school, after school, on Saturdays, or during intersession, or in a combination of summer school, before school, after school, on Saturday, or intersession instruction. Services may not be provided during the pupil's regular instructional day. Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program for religious reasons, shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday, over a pupil who is not unable to attend a Saturday school program for religious reasons.

(c) For purposes of this section, a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade. Summer school instruction may also be offered to pupils who were enrolled in grade 6 during the prior school year.

(d) An intensive remedial program in reading or written expression offered pursuant to this section shall, as needed, include instruction in phoneme awareness, systematic explicit



phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction in reading comprehension, writing, and study skills.

(e) Each school district or charter school shall seek the active involvement of parents, guardians, and classroom teachers in the development and implementation of supplemental instructional programs provided pursuant to this section.

(f) It is the intent of the Legislature that pupils who are at risk of failing to meet state adopted standards, or who are at risk of retention, be identified as early in the school year and as early in their school careers as possible, and be provided the opportunity for supplemental instruction sufficient to assist them in attaining expected levels of academic achievement.

(g) (1) The maximum amount of funding for the purposes of programs offered pursuant to this section to serve pupils in grades 2 to 6, inclusive, may not exceed 5 percent of the statewide total enrollment in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year as determined pursuant to subdivision (c) of Section 42239.

(2) A school district or charter school that offers instruction pursuant to this section is entitled to receive reimbursement in an amount up to 5 percent of the district's or charter school's total enrollment in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year as determined pursuant to subdivision (c) of Section 42239.

(h) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

SEC. 3. Section 37252.8 of the Education Code is repealed.

SEC. 4. Section 42239.1 of the Education Code is amended to read:

42239.1. (a) For the 1999–2000 fiscal year and each fiscal year thereafter, each school district is eligible for reimbursement for hours of pupil attendance claimed for intensive reading programs offered pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 in an amount up to 10 percent of the district's total enrollment in kindergarten and grades 1 to 4, inclusive, for the prior fiscal year multiplied by 120 hours,



multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239. This amount shall be provided in addition to amounts claimed pursuant to Sections 37252, 37252.5, 37252.6, and 37253.

(b) When expending funds received pursuant to this section, a school district shall give first priority for the purpose specified in paragraph (1) of subdivision (c) of Section 53027.

(c) Reimbursement pursuant to this section is contingent on an appropriation being made for that purpose in the annual Budget Act.

SEC. 5. This act shall become operative only if Assembly Bill 52 is enacted and becomes effective on or before January 1, 2004.



Approved _____, 2003

Governor

